IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

RP(FC).No. 172 of 2007()

MC.613/2005 of FAMILY COURT, MALAPPURAM
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PETITIONER/RESPONDENT

MUHAMMED KUTTY, S/O.MOIDHUTY,
PARAMBATH HOUSE, VELLACHAL, AYYAYA,
TIRUR TALUK, MALAPPURAM DIST.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:
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1. KUNHIPATHUMMA, D/O.KUNHALI,
THOTTAKKATTIL HOUSE, PERUMANNA AMSOM DESOM,
P.O.EDARIKODE, TIRUR TALUK.

2. MUHAMMED ASHRAF,
S/O.KUNHIPATHUMMA, DO. DO.

3. MOIDEEN, S/O.KUNHIPATHUMMA (MINOR),
REPRESENTED BY MOTHER IST RESPONDENT,
DO. DO.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS REV.PETITION (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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R.P(F.C). NO. 172 OF 2007

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Dated this the 11th day of April 2007

O R D E R

The revision petitioner, who is the counter petitioner in M.C. No. 613/2005, has sought for setting aside the order of the court below striking off his defence and disposing of the matter without hearing. I find that the order of the court below is per se illegal. The same is set aside. The court below is directed to permit the petitioner to adduce evidence and dispose of the case on merits.

The R.P(F.C) is allowed accordingly.

K.R. UDAYABHANU, JUDGE.

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